IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 6081 of 2007
Date of decision: November 26, 2007

Jagsir Singh

.....PETITIONER

VERSUS

Rani Kaur

.....RESPONDENT

CORAM: HON'BLE MR JUSTICE T.P.S.MANN

PRESENT: Mr Kamaljeet Singh Sidhu, Advocate
for the petitioner.

T.P.S .MANN, J.

The petitioner is aggrieved of the order passed by learned Civil Judge (Sr. Division), Talwlandi Sabo, exercising the powers of District Judge, on 9.10.2007, whereby he has been ordered to pay a sum of Rs.2000/- as litigation expenses and Rs.1000/- per month as interim maintenance to his wife i.e. the respondent.

The petitioner filed a petition under Section 9 of the Hindu Marriage Act (hereinafter referred to as "the Act") for a decree of restitution of conjugal rights. During the pendency of the same, the respondent-wife filed an application under Section 24 of the Act for grant of maintenance pendente-lite and litigation expenses, besides travelling expenses and the like. The said application was allowed by the learned trial Court.

Learned counsel for the petitioner submitted that the respondent was not entitled to claim any amount from him, as she was doing

stitching work, from which she was earning Rs.300/- per day. Moreover, she also owns five acres of land. On the other hand, the petitioner is a casual labourer, having no permanent source of income. Also that, it was the respondent, who left the matrimonial home and went to the house of her mother against his wishes. In spite of several requests made by the petitioner, she refused to join his company. Left with no other option, he had to file the petition under Section 9 of the Act.

While passing the impugned order, learned trial Court has granted a sum of Rs.2000/- to the respondent as litigation expenses, besides interim maintenance at the rate of Rs.1000/- per month. Apparently, the order of maintenance has been passed only as an interim measure. Moreover, the relationship of the petitioner and the respondent stands admitted. The husband cannot run away from his responsibility of maintaining his wife, who apart from herself, has to look after her minor daughter Sukhpreet Kaur as well. At this stage, it is not relevant that it is the petitioner, who had filed the petition under Section 9 of the Hindu Marriage Act seeking a decree for restitution of conjugal rights. Although there is no material available on the file that the petitioner is not having regular source of income, yet even a casual labourer earns at-least Rs.100/- per day. At this rate, out of monthly income of Rs.3000/-, the petitioner can be required to pay Rs.1000/- per month as maintenance to his wife.

Resultantly, I do not find any merit in the present revision, which is, accordingly, dismissed.

November 26, 2007 **(T.P.S.MANN)**
Pds **JUDGE**